

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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**FILED**

**OCT 08 2004**

**INDIANA UTILITY  
REGULATORY COMMISSION**

PETITION OF PSI ENERGY, INC. SEEKING )  
AUTHORITY TO REFLECT ADDITIONAL )  
VALUES OF QUALIFIED POLLUTION )  
CONTROL PROPERTY UNDER )  
CONSTRUCTION IN ITS RATES AND )  
CHARGES FOR ELECTRIC SERVICE )  
PURSUANT TO IND. CODE SECTIONS )  
8-1-2-6.6 AND 8-1-2-6.8 AND 170 I.A.C. 4-6-18; )  
AND SEEKING APPROVAL OF AN )  
ONGOING REVIEW PROGRESS REPORT )  
CONCERNING CERTAIN CLEAN COAL )  
TECHNOLOGY PROJECTS PURSUANT TO )  
IND. CODE SECTION 8-1-8.7-7; AND )  
SEEKING APPROVAL OF UPDATED )  
ENVIRONMENTAL PROJECTS, COSTS )  
ESTIMATES AND ESTIMATED IN-SERVICE )  
DATES FOR ENVIRONMENTAL PROJECTS;) )  
AND SEEKING APPROVAL OF AN )  
ADJUSTMENT TO ITS RATES THROUGH )  
ITS CLEAN COAL OPERATING COST )  
REVENUE ADJUSTMENTS STANDARD )  
CONTRACT RIDER NO. 71, IN )  
ACCORDANCE WITH IND. CODE SECTION )  
8-1-8.8-11 )

**CAUSE NO. 42061 ECR-4**

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On September 28, 2004 pursuant to 170 I.A.C. 1-1.1-4, PSI Energy, Inc. ("PSI") or ("Petitioner") filed a *Motion for Protection of Confidential and Proprietary Information* ("Motion") in this Cause. In its Motion, the Petitioner indicates that certain information that it intends to submit in this matter, contains trade secrets ("Confidential Information") as that term is defined under Indiana Code 24-2-3-2. Information containing trade secrets is excepted from public disclosure under Indiana Code 5-14-3-4(a)(4). In support of its Motion, the Petitioner includes the sworn *Affidavit of Douglas F. Esamann* ("Affidavit"). The Affidavit has been placed in the Commission's official file in this matter and is hereby incorporated by reference.

170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

The Presiding Officer, having considered Petitioner's Motion and accompanying Affidavit, finds there is sufficient basis for determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Accordingly, Petitioner shall hand deliver to the Presiding Administrative Law Judge, in a sealed envelope clearly marked confidential, with the Cause No. noted thereon, the Confidential Information which shall be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

**IT IS SO ORDERED.**



Scott R. Storms, Chief Administrative Law Judge

Date: October 8, 2004